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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/731,954 | 12/10/2003 | James L. Layne | 924-076 | 6765 |
| 1009 | 7590 | 04/04/2005 | EXAMINER | |
| KING & SCHICKLI, PLLC 247 NORTH BROADWAY LEXINGTON, KY 40507 | | | RIDLEY, RICHARD | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3651 | |

DATE MAILED: 04/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | | |
|------------------------------|--------------------------------------|--|-------------------------------------|--|
| Office Action Summary | Application No. 10/731,954 | | Applicant(s) LAYNE ET AL. | |
| | Examiner Richard Ridley | | Art Unit 3651 | |
| | | | | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 27 December 2004.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 13-46 is/are pending in the application.
 4a) Of the above claim(s) 16-21, 24, 25 and 32-34 is/are withdrawn from consideration.

5) ☒ Claim(s) 36, 42-46 is/are allowed.

6) ☒ Claim(s) 13, 14, 23, 26, 28, 31, 37 and 41 is/are rejected.

7) ☒ Claim(s) 15, 22, 27, 29, 35 and 38-40 is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on 10 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input type="checkbox"/> Other: _____ |
|--|--|

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 13, 14, 23, 26, 28, 31, 37, 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huberty et al. 5,605,222. Huberty et al. in view of Kandra et al. USP 2,680,509.

Huberty et al. disclose all of the claim limitations in a similar device comprising a(n):

- First (30 or 34) conveyor having a drive unit (inherent if not disclosed)
- Second conveyor (30 or 34)
- Tensioner (64)
- Drive structure (62)
- Bed (54) having ear
- Pair of idlers (60, 66)
- The endless belt follows a T-shaped path
- Notches (it is inherent if not obvious to have used a bolt and bolt hole to connect bed supports 56 to the frame 52)

Huberty et al. do not disclose a slave drive for transmitting rotational motion from the drive of the first or second conveyor to the drive structure (62).

Kandra et al. teach the use of a slave drive (24, 26, 28, 30) for transmitting rotational motion from the drive (20) of the first or second conveyor to a drive structure (42) for the purpose of providing for a means to drive two separate conveyors via a single drive means thus providing for a multiple conveyor system that employs the use of just one drive motor, thus reducing costs and maintenance requirements associated with otherwise employing two separate drive motors.

It would have been obvious to one having ordinary skill in the art at the time of the invention to have employed the use of a slave drive for transmitting rotational motion from the drive of the first or second conveyor to the drive structure, as taught by Kandra, in the device of Huberty for the purpose of providing for a means to drive two separate conveyors via a single drive means thus providing for a multiple conveyor system that employs the use of just one drive motor, thus reducing costs and maintenance requirements associated with otherwise employing two separate drive motors.

Regarding claim 14, the slave drive in Kandra comprises a first sprocket (24) connected to a drive shaft from the drive unit (20), a second sprocket (28) connected to the drive structure, and a transmission chain or belt (26) extending around the first and second sprockets.

Regarding claim 37, the whereby statement does not define any structure and accordingly cannot server to distinguish.

Allowable Subject Matter

3. Claims 36, 42-46 are allowed over the prior art of record.

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4. Claims 15, 22, 27, 29, 35, 38, 39, 40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments filed 12-27-04 have been fully considered but they are not persuasive. The applicant argues that a prima facie case of obviousness is lacking and that there must be some suggestion of the desirability of making the combination and that the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination.

In response the examiner notes that Kandra et al. teach the use of a slave drive (24, 26, 28, 30) for transmitting rotational motion from the drive (20) of the first or second conveyor to a drive structure (42), see fig. 4 of Kandra, for the purpose of providing for a means to drive two separate conveyors via a single drive means thus providing for a multiple conveyor system that employs the use of just one drive motor, thus reducing costs and maintenance requirements associated with otherwise employing two separate drive motors.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

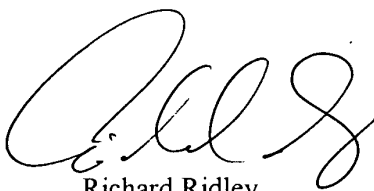
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Ridley whose telephone number is (703) 306-5910. The examiner can normally be reached on Mon-Thur 7:00 am - 5:15 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on (703) 308-1113. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read 'Richard Ridley', is positioned above the printed name and date.

Richard Ridley
22 March 2005

Richard Ridley
Primary Examiner
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